Supreme Court, U. S.
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No. 80-79

IN THE
Supreme Court of the United States
OCTOBER TERM, 1980

VERNON EDWARDS & ROBERT E. McCOY,
Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

SUPPLEMENTAL BRIEF FOR PETITIONERS

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At page 8 of the petition we indicate that with the rebirth of the mandatory dismissal sanction as the penalty for violation of the Speedy Trial Act, "an even greater degree of litigation

will be spawned by the . . . Act than before." We also stated at page 5-6, that the instant case has far ranging importance because, the "ends of justice" time exclusion herein considered is the one most often used by the district courts to avoid operation of the potent dismissal sanction.

Our correct anticipation of litigation is borne out by the following Speedy Trial Act cases reported since the filing of the petition herein:

United States v. Berkwitt, 619 F.2d 649 (7th Cir. 1980) (Dismissal sanction considered);

United States v. Vanella, 619 F.2d 384 (5th Cir. 1980) (Dismissal sanction considered);

Government of Canal Zone v. Martinez H., 620 F.2d 502 (5th Cir. 1980) (Dismissal sanction considered);

United States v. Greer, 620 F.2d 1383 (10th Cir. 1980) (Dismissal sanction considered);

United States v. Anderson, 621 F.2d 292 (8th Cir. 1980) (Speedy Trial Act and Sixth Amendment considered);

United States v. Hill, 622 F.2d 900 (5th Cir. 1980) (Dismissal sanction considered);

United States v. McGrath, 622 F.2d 36 (2d Cir. 1980) (Dismissal sanction considered);

United States v. Aviles, 623 F.2d 1192, 1195 (7th Cir. 1980) (". . . Speedy Trial Act permits a trial court to grant a continuance if it does so *based on a finding* that the ends of justice . . . outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(8)(A)");

United States v. Watson, 623 F.2d 1198 (7th Cir. 1980) (Dismissal sanction considered).

Although the Government has opted for the tactic of

remaining silent by waiving its right to file a response to the instant petition, unless requested to do so by the Court, it is our considered judgment that any such requested response would result in a confession of error.

Respectfully submitted,

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